part to be remote from the adhering elements, the foam-inhibiting covering having a predetermined peripheral border width overlapping and extending beyond a surface area of the adhering elements; and bringing the foam-inhibiting covering 15 into detachable contact with parts of the foaming mold by permanent magnets in parts of the foaming mold attracting a ferromagnetic coating with ferromagnetic substances admixed therein extending on the foam-inhibiting covering. The permanent magnets are placed laterally about a periphery of a portion of the foaming mold receiving the adhering elements of the adhesive closing part to cooperate with the peripheral border of the covering overlapping the surface area of the adhering elements.

Claim 19 covers a method for producing a foam body part having at least one adhesive closing part with adhering elements. The method comprises the steps of arranging an adhesive closing part in a foaming mold for forming a foamed body part, the adhesive closing part having first and second opposite surfaces and having adhering elements extending from the first surface; protecting the adhering elements on the adhesive closing part against penetration of foam by arranging a foam-inhibiting covering the second surface of the adhesive closing part to be remote from the adhering elements, the foam-inhibiting covering having a predetermined peripheral border width overlapping and extending beyond a surface area of the adhering elements and having a felt or fleece lamina thereon; and bringing the foam-inhibiting covering into detachable contact with parts of the foaming mold by permanent magnets in parts of the foaming mold attracting a ferromagnetic coating on the foam-inhibiting covering. The permanent magnets are placed laterally about a periphery of a portion of the mold receiving the adhering elements of the adhesive closing part to cooperate with the peripheral border of the covering overlapping the surface area of the adhering elements.

In the July 30, 2009 Board decision, the subject matter of claim 9, as well as the claims dependent thereon, was held to be patentably distinguishable over the Billarant patent and the Provost International publication, for the reasons advanced on page 10 of the Board decision. Claim 19 had previously been found allowable, and recites limitations such that the same reasons of the Board holding claim 9 patentably distinguishable over that patent and that publication also apply to claim 19.

Despite that Decision on appeal overturning the rejection under 35 U.S.C. §103 on the grounds that the claims are unpatentable over U.S. Patent No. 5,422,156 to Billarant and WO 8603164 to Provost, claims 9-19 now stand rejected under 35 U.S.C. §103 over those same two patent documents, but with the rejection now being phrased as being over the Provost publication in view of the Billarant patent. The Provost publication allegedly discloses a method of producing a foam body in which an adhesive closing part is arranged in a foam mold (Fig. 5), with the adhesive closing part having adhering elements 16 on a first surface and a foam inhibiting covering 56 on an opposite, second surface to protect the adhering elements from the foam. The foam-adhering covering allegedly has a peripheral border overlapping and extending beyond a surface area of the adhering elements, and is allegedly brought to a detachable contact with permanent magnets placed laterally about the periphery of the foaming mold portion receiving the adhering elements to provide a detachable connection. An adhesive layer allegedly connects the adhesive closing part to the covering element. A recess in the mold allegedly receives the adhering element with the border of the covering overlapping the recess. Additionally, the Provost patent is allegedly cited as disclosing polyurethane as the synthetic layer. The Billarant patent is cited for disclosing a foam-inhibiting covering having a synthetic

layer and a layer containing ferromagnetic substances and forming an adhesive base of the adhesive closing part. The ferromagnetic coating with ferromagnetic substances allegedly is admixed in the adhesive layer with the ferromagnetic coating being polyurethane with added iron particles.

The lack of any statement that it would be obvious to add such alleged Billarant teachings to the method allegedly disclosed in the Provost publication, by itself, renders the rejection improper.

This rejection improperly fails to follow the law of the case as provided by the prior Decision of the Board of Patent Appeals and Interferences holding that the claims are patentable distinguishable over that same Provost publication and that same Billarant patent. Such action also renders the rejection improper.

Further, the Provost publication has permanent magnets 70 located along the center of the trough 66 in the mold to attract metal strip 20 disposed between the hook fastener tape 16 and the substrate 18. The use of the Provost magnets 70 along the center of the trough 66 does not disclose or render obvious the use of permanent magnets placed laterally about the periphery of the mold portion receiving the adhering elements as recited in claims 9 and 19. The Billarant patent does not satisfy this deficiency in the Provost publication since the magnet 52 disclosed therein is also located in a pocket 50 that receives the adhering elements and not about the periphery of the pocket as required in claims 9 and 19.

The alleged disclosure of the ferromagnetic coating in column 1, lines 33-34, of the Billarant patent merely refers to a ferromagnetic coating applied to marginal areas of upstanding hooks. Such portion of the Billarant patent does not disclose or render obvious use of a

ferromagnetic coating on a foam-inhibiting covering as recited, for example in claim 9, to cooperate with the permanent magnets laterally about the periphery of the portion of foaming mold receiving the adhering element as required in the claims.

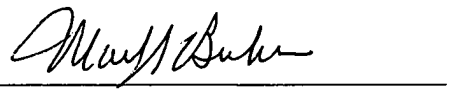
Claim 19 is further patentably distinguishable by the recited felt or fleece lamina.

Thus, claims 9 and 19 are patentably distinguishable.

Claims 10-18, being dependent upon claim 9, are also allowable for the above reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patents. Specifically, the polyurethane with added iron particles of claim 10, the adhesive layer of claim 11, the covering of claims 12 and 13, the felt of claim 14, the fleece of claim 15, the placement of the adhering elements in a recess and the border overlapping the recess of claim 16, the use of the mold part in claim 17, and the use of the foam body part and fleece or felt of claim 18 are not anticipated or obvious, particularly within the overall claimed combination.

In view of the foregoing, claims 9-19 are allowable. Prompt and favorable action is solicited.

Respectfully submitted,



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Dated: January 21, 2010